

REMARKS

Entry and consideration of the following amendments and remarks is respectfully requested.

Claims 19-32 are pending and claim 19 has been amended herein.

Claims 19-27 and 29-32 were been rejected under 35 U.S.C. § 103(a) as being unpatentable over Oy (GB 2,349,688) in view of Baker. This rejection is respectfully traversed.

The Examiner's rejection is respectfully traversed in view of the content of amended independent claim 19. Claim 19 has been amended to require side walls and a top wall and show that the device is thus closed from the sides and from the top and is open from below for a circulated air flow coming into the device and for a combined air flow $L1 + L2$ discharging from the device. In that connection, the circulated air flow of room air comes to the heat exchanger from below and specifically as induced by fresh supply air passed from the nozzles. The air flows are combined in the chamber between heat exchanger and the side structures, and said chamber comprises a damper for controlling an induction ration *i.e.* the ratio between the flows $L1$ and $L2$.

The Oy GB patent does not comprise a control device for controlling an induction ration. Also, when combined with the arrangement taught by the Baker reference, a combination is not achieved where an induction ratio control device would be formed specifically of a control damper placed in a chamber. Applicant's device controls the flow ratio between the flows $L1$ and $L2$, *i.e.* $L2:L1$. It is a ratio of the flow quantity $Q1$ (litres/min) of the circulated air flow $L2$ to the flow quantity $Q1$ (litres/min) of fresh supply air. The flow quantity of the circulated air can be

considerably greater than the flow quantity Q1 of the fresh supply air flow L1.

It is also essential to the device of the present invention that the control damper is situated after the combining of the supply air flow and the circulated air flow. The Baker reference does not disclose a device that is open from below and closed from the sides. Furthermore, neither the Oy patent nor the Baker teaches a control damper in a chamber.

The Applicant's device can be placed in the plane of a false ceiling of a room, so that the combined air flow L1 + L2 can be caused to flow sideways in the direction of the plane of the false ceiling and attached thereto by means of the Coanda effect. The two references cited by the Examiner do not disclose this. They do not disclose the control device for controlling the induction ration L1/L2 in accordance with our invention.

In view of the amendments to claim 19 and the arguments presented above, it is respectfully submitted that the Examiner's rejection of the claims has been overcome and should be removed.

In view of the amendments to the claims made herein and the arguments presented above it is submitted that the Examiner's objections have been overcome and should be withdrawn.

It is believed that the submission of this Amendment is timely. In the event that any extensions and/or fees are required for the entry of this Amendment, the Commissioner is specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

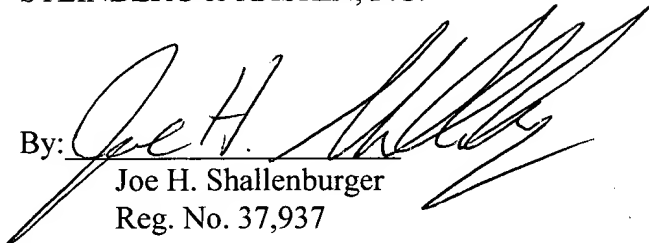
Appl. No. 09/990,239
Amdt. Dated April 7, 2004
Reply to Office Action of January 7, 2004

991.1164

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
STEINBERG & RASKIN, P.C.

By: 
Joe H. Shallenburger
Reg. No. 37,937

Steinberg & Raskin, P.C.
1140 Avenue of the Americas
New York, New York 10036
(212) 768-3800